

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
1580 WO/US

First named inventor: Ric Antonini

Application No.: 10 501,353

Art Unit: 1625

Filed: 14-Jul-2004

Examiner: Aulakh, Charanjit

Title: Method and System for separation and purification of at least one narcotic alkaloid using reverse phase preparative chromatography

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1620 (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in the form of Amendment after Final (identify type of reply):
☒ has been filed previously on October 16, 2007.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

☐ has been paid previously on _____.
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

2-13-2009
Date

Craig D. Siman
Typed or printed name

60,137
Registration Number, if applicable

675 McDonnell Boulevard
Address

314-654-3960
Telephone Number

Hazelwood, Missouri 63042
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In Re the Application of:)	Group Art Unit: 1625
)	
Ric Antonini)	Examiner: Aulakh, Charanjit
)	
Serial No.: 10/501,353)	Confirmation no.: 7589
)	
Filed: 14 July 2004)	
)	
Atty. File No.: 1580 WO/US)	
)	
Title: Method and System for Separation and)	
Purification of at least one Narcotic Alkaloid)	
Using Reverse Phase Preparative)	
Chromatography)	

**PETITION UNDER 37 CFR §1.137(b) FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY**

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
FAX (571)273-8300

Dear Sir:

Pursuant to 37 CFR § 1.137(b), Applicants hereby petition for revival of Application No. 10/501,353 to *Ric Antonini*, which was unintentionally abandoned as a result of Applicants' failure to submit the Request for Continued Examination due February 17, 2008. Applicants assert that the entire delay in filing the required reply from the due date for the required reply until the filing of this petition was unintentional.

As set forth in 37 CFR § 1.137(b), included herewith are the following items:

1. The petition fee of \$1620.00 for a large entity as specified in 37 CFR §1.17(m);
2. A statement that the entire delay was unintentional, which appears in the preceding paragraph;

3. A recitation from the Applicants setting forth the facts and circumstances surrounding the unintentional abandonment of the Patent Application; and
4. Authorization to charge Deposit Account No. 13-1160 for any underpayment, or credit the deposit account for any overpayment.

As this application was filed after June 8, 1995, no terminal disclaimer is required.

Based upon this Petition and the attachments, the Applicants respectfully request: (1) that the Patent Application be revived; and, (2) that the underlying Patent Application be considered for allowance.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication to Deposit Account Deposit Account No. 13-1160, including any required extensions of time or fees required under 37 CFR §1.17(m). Should there be any questions or comments as to form, content, or entry of this paper, the Commissioner is respectfully requested to contact the undersigned at the telephone number below.

Respectfully submitted,



Craig D. Siman
Registration No. 60,137

Dated: February 13, 2009

Mallinckrodt Inc.
675 McDonnell Boulevard
Hazelwood, Missouri 63042
Phone: 314-654-3960

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In Re the Application of: Ric Antonini
Serial No.: 10/501,353

Group Art Unit: 1625

Examiner: Aulakh, Charanjit

Filed: 14 July 2004
Atty. File No.: 1580 WO/US

Confirmation no.: 7589

Title: Method and System for Separation and Purification of at least one Narcotic Alkaloid Using Reverse Phase Preparative Chromatography

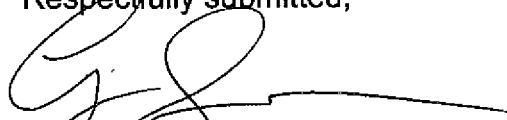
FACTUAL SUPPORT: FAILURE TO REPLY WAS UNINTENTIONAL

The patent Applicants of the above-identified application to *Ric Antonini*, Serial No. 10/501,353 (the "**Patent Application**"), recite the following facts showing the failure to reply was unintentional, and in general support of the Petition to Revive.

1. On or about October 16, 2007, the patent Applicants filed Amendment B in response to the Final Office Action dated August 17, 2007.
2. On or about December 2007, any future dates concerning this matter were unintentionally removed from our docketing system.
3. No Advisory Action was ever received for this matter.
4. Because no Advisory Action was received and because the matter had been unintentionally removed from our docketing system, no RCE or Appeal was filed by Applicants.
5. A notice of Abandonment was not mailed until February 4, 2009.
6. Since becoming aware of the abandonment, Applicants have acted as quickly as possible to revive the Patent Application before the USPTO.

7. In view of the foregoing factual support, the patent Applicants respectfully request revival of the Patent Application as the failure to reply was unintentional.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. D. Siman', with a long horizontal flourish extending to the right.

Dated: February 13, 2009

Craig D. Siman
Registration No. 60,137

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